

## **African American farmers and civil rights.(Pigford v. Glickman)**

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FORTY ACRES AND A MULE." JUDGE PAUL L. FRIEDMAN BEGAN HIS 1999 decision in *Pigford v. Glickman*, the successful class-action suit brought by African American farmers, with that familiar broken promise from the Civil War/Reconstruction era. The case concerned the sorry civil rights record of the U.S. Department of Agriculture (USDA) and its denial of federal benefits to black farmers in the years after World War II and in particular the thirty-five years since the Civil Rights Act of 1964. The decline of black farmers after World War II contrasted dismally with their gains in the half century after emancipation when, demonstrating tremendous energy and sagacity, they negotiated a maze of racist law and custom and--during the harshest years of segregation, peonage, and violence--gained land and standing in southern communities. By 1910 African Americans held title to some sixteen million acres of farmland; by 1920 there were 925,000 black farms in the country. In the teens and twenties, however, the graph of rising ownership faltered and then plunged downward. Depression, mechanization, and discriminatory federal programs devoured black farmers, but their fate was eclipsed by press coverage of school segregation, voting rights, and public accommodations. They almost disappeared without a trace. (1)

Racism circulated through federal, state, and county USDA offices, and employees at every level bent civil rights laws and subverted government programs in order to punish black farmers. Judge Friedman admitted that the *Pigford* case would "not undo all that has been done" but insisted it was "a good first step." By 2000, of course, it was too late for hundreds of thousands of black farmers. When Judge Friedman handed down his decision only months before the end of the millennium, there were but eighteen thousand black farms left, and many of those were endangered. Underlying Friedman's decision was a disturbing contradiction: black farmers suffered their most debilitating discrimination during the civil rights era when laws supposedly protected them from racist policies. While white farmers also lost land, black farmers endured not only similar economic forces but also USDA racism. The increase in USDA programs had an inverse relationship to the number of farmers: the larger the department, the more programs it generated, and the more money it spent, the fewer farmers who survived. (2)

For a century and a third, the U.S. Department of Agriculture presided over monumental changes in the U.S. countryside. Since its founding during the Civil War, the USDA has encouraged better farming methods, and over time its staff has swelled and its reach has extended to every crossroads and farm. Early in the twentieth century the Extension Service became a conduit for feeding farmers advice on the latest science and technology from experiment stations and corporations. Some farmers welcomed and utilized research findings, but others were skeptical of experts and outsiders. The USDA and its supporters denigrated farmers who did not accept the gospel of progress. Yet the substitution of science and technology for human experience and expertise deskilled farmers who relied increasingly upon formulaic methodology rather than husbandry. Knowledge handed down or gained by trial and error laded away. The human cost that accompanied the rise of agribusiness was eclipsed by the story of tractors and picking machines, insecticides and herbicides, and hybrids and genetically engineered crops. (3)

The term agribusiness came into vogue during the World War II era and in its broadest context refers to the farms, firms, and lobbying groups that thrive on the production, processing, storing, shipping, and marketing of food and fiber. Agribusiness's counterpart in the public sector, agrigovernment,

often worked from a similar agenda and included the USDA's headquarters bureaucracy, complex of experiment stations, research facilities, regulation units, and acreage policy divisions; the land-grant universities; state agricultural offices; and county agricultural employees and committees. Agribusiness and agrigovernment cooperated--conspired, some might argue--to replace labor-intensive with capital-intensive farming operations. Federal agricultural policy and laborsaving science and technology became tools that ruthlessly eliminated sharecroppers, tenants, and small farmers. The human dislocation caused by this transformation was masked by an upbeat and sterile bureaucratic vocabulary of progress that eroded, even insulted, the more prosaic language of farmers and by rules and regulations that changed annually and that unnecessarily complicated farm life. (4)

President Franklin D. Roosevelt's New Deal agricultural policies greatly expanded the reach and power of the USDA. While some programs aided poorer farmers during the 1930s, by World War II conservative farmers and interest groups eroded such initiatives. Increasingly, powerful farmers and pliant bureaucrats operated the machinery that disbursed federal funds and information. The Farmers Home Administration (FHA, later FmHA), the lender of last resort, disbursed credit, but not necessarily to the most needy. The Agricultural Stabilization and Conservation Service (ASCS) awarded acreage allotments (acreage ASCS committees assigned to farms based on their historical production), heard appeals, supervised conservation programs, and even approved some categories of loans. The segregated Federal Extension Service (FES) provided the latest information on relevant science and technology, organized and supervised 4-H clubs for youth, taught better farming techniques, and offered household advice through demonstration clubs for women. The county committees of these three powerful pseudo-democratic committees hired extension and home demonstration agents, controlled information, adjusted acreage allotments, disbursed loans, adjudicated disputes, and, in many cases, looked after family and friends. Through the FES, land-grant universities, and experiment stations, county elites drew on science and technology and became collusive partners of agrigovernment. African Americans had no voice in USDA decisions, nor did many poor whites. Prior to 1964 no African American served on a county committee, and whites hoped to keep it that way. (5)

On April 22, 1965, Secretary of Agriculture Orville L. Freeman issued a memorandum demanding that the USDA staff "put into effect with dispatch" comprehensive policies that would ensure an end to discrimination. "The right of all of our citizens to participate with equal opportunity in both the administration and benefits of all programs of this Department is not only legally required but morally right," he insisted. Despite Secretary Freeman's ringing words, black farmers lost ground in the 1960s, primarily because of Freeman's failure to control vindictive white bureaucrats but in part because the press spotlighted voting rights, school integration, and major demonstrations while the discriminatory treatment of black farmers remained in the shadows. (6)

Civil rights laws theoretically offered the promise of equal rights that would give African Americans parity with whites in obtaining allotments, credit, information, and access to government largesse. Over the years, however, whites had amassed enormous resources and built strong defenses. It was as if agribusiness accelerated around a supercollider track gaining speed and bulking up on machines, chemicals, research, government subsidies, and racial prejudice, and when it collided with the stalled civil rights target, it blew apart African American aspirations for rural life and created new elements that reshaped the countryside. Historians are still attempting to discover what was created and what was destroyed in that impact.

In the century-and-a-half continuum of USDA racism, an opportunity appeared in the mid-1960s that could have moved the department toward equal rights. In 1965 Secretary Freeman appointed African American William M. Seabron as assistant to the secretary for civil rights and established a citizens' advisory committee on discrimination. The U.S. Commission on Civil Rights, an independent agency

created by the Civil Rights Act of 1957 to investigate and report on a broad spectrum of discriminatory practices, focused on USDA programs and in 1965 released a highly critical study, Equal Opportunity in Farm Programs, revealing how the ASCS, the FHA, and the Federal Extension Service bitterly resisted demands to share power with African Americans. The commission also cooperated with the Sharecroppers Fund and the National Association for the Advancement of Colored People (NAACP), sharing complaints and suggesting approaches to end discrimination. These initiatives challenged white hegemony and provoked USDA racists at the county, state, and federal levels first to resist implementing civil rights and ultimately to drive black farmers from the land. The tracks of racism and discrimination led from local committees and agriculture offices to state offices, to land-grant schools, to experiment stations, and on to Washington to disappear into the trackless bureaucratic wilderness where untamed racism flourished, where men and women alienated from the land punished the clientele they were hired to help. (7)

Confronting such dedicated racists presented a challenge to William Seabron, who coordinated the equal rights policies of twenty USDA agencies. A native of Chicago, Seabron had graduated from the University of Iowa with a degree in chemistry and also attended DePaul University and the University of Michigan. From 1945 until he arrived in Washington in 1962, he had worked for the Urban League and the Michigan Fair Employment Practices Commission. In the aftermath of the report by the U.S. Commission on Civil Rights, Seabron attempted to implement Secretary Freeman's edicts. His agenda seemed bold--integration of the Federal Extension Service, appointment of blacks to several state ASCS committees, temporary jobs for blacks in ASCS offices, and the prediction that by July 15, 1965, the Farmers Home Administration would have biracial committees in all states where a significant number of black farmers resided. (8)

William Seabron had good intentions but little power to carry them out. He could seek compliance with civil rights laws and hold hearings, but only the secretary of agriculture could implement and enforce policy. Seabron attempted to curb racist policies of the Federal Extension Service but was frustrated at every turn. According to a 1968 study by the U.S. Commission on Civil Rights, Seabron's staff "cited occasions when their requests for action by an agency have been ignored altogether." Seabron not only was hindered by truculent agency administrators but also was sabotaged from within the USDA bureaucracy. He did not report directly to Secretary Freeman but answered to an assistant secretary. Seabron admitted that only by hand-carrying memos to the secretary's office could he assure their delivery, because if he used the internal mail system "somebody else usually decides if the Secretary should see it." Seabron had a staff of two in Washington and four in the field but depended on state and local "entities," some of whom possibly had interests in the outcome, to conduct investigations. The Office of Inspector General (OIG) handled complaints and sent reports to agency heads and to Seabron's office. The system failed "when agency heads [did] not take appropriate action based on the findings of the investigation report." Clearly, too much power resided in the agencies and not enough in Seabron's office. Seabron sincerely attempted to implement civil rights laws, but under subsequent administrations the USDA civil rights office became a byword for indolence and hypocrisy. (9)

Despite pressure from Seabron's USDA civil rights office, bureaucrats continued business as usual. In one of the most egregious examples, early in 1965, NAACP counsel J. Francis Pohlhaus inquired if the Federal Extension Service had established desegregation plans for Alabama--to comply with Title VI of the Civil Rights Act of 1964--at a meeting "from which Negroes were excluded." He was incredulous that the USDA "could approve plans to implement Title VI of the Civil Rights Act, when the plans are drafted in violation of Title VI." USDA assistant secretary for administration Joseph M. Robertson boldly replied, "In all candidness, the answer to your question, as to whether in fact the Alabama State Plan to achieve compliance under Title VI was drawn up at a racially exclusive meeting, is yes." Robertson's unabashed reply reflected the unconscious assumption that whites

knew best. (10)

Since the Brown v. Board of Education decision in 1954, county bureaucrats had twisted federal programs to intimidate African American activists. Bureaucrats squeezed first those black farmers who advocated civil rights, who registered to vote, who sent their children to white schools, or who belonged to the NAACP. Denying production credit and home loans and chipping away at acreage allotments, committees drove activist farmers off the land. County bureaucrats cited vague regulations, invented application inadequacies, delayed payments, and even refused to provide forms and information, hurdles that African American farmers had difficulty overcoming. To appease Secretary Freeman and buy time, the FES promised acquiescence to civil rights laws even as it partitioned southern offices by color, assigned demeaning job titles to African Americans, and patronized black agents by assigning them vacuous duties. Black agents might have taught African American farmers better methods and distributed information, but instead they were consigned to pointless chores. When the U.S. Commission on Civil Rights released Equal Opportunity in Farm Programs in 1965, it revealed that between 1935 and 1959 white full owners declined by 28 percent and black by 40 percent. The lack of equal opportunity for African Americans showed up in 1959 statistics: black farms averaged 52.3 acres, and white ones averaged 249 acres. Whites earned \$2,802 per year; blacks \$1,259. (11)

In revealing glaring racism within USDA programs, the Commission on Civil Rights report was a cautionary document, but it did not anticipate the power of bureaucrats and southern congressmen to nullify civil rights regulations. In mid-April 1965, Mississippi's ASCS director reported that powerful Mississippi congressman Jamie L. Whitten advised county committees to ignore federal pressure to integrate. Some USDA administrators were reluctant to cross Whitten for fear he would slash appropriations. Thomas R. Hughes, executive assistant to the secretary, complained to Secretary Freeman in January 1966 that Theodore Byerly, administrator of the Cooperative State Research Service, had "not given any leadership" and showed "indifference and unwillingness" to advocate civil rights. Byerly claimed that he could not press for civil rights and "still defend his appropriations" with Congressman Whitten and Florida senator Spessard Holland. "I told him to enforce the regulations we put out and follow the law and you would worry about Whitten and Holland," Hughes reported to Secretary Freeman. Whether their halting inactivity came from lack of enthusiasm, racism, or fear of appropriations cuts, feckless bureaucrats such as Byerly undermined the USDA's civil rights program. (12)

As soon as Seabron opened the USDA civil rights office, complaints poured in from USDA agencies, from farmers, from office workers, and from organizations such as the U.S. Commission on Civil Rights, the Sharecroppers Fund, and the NAACP. The complaints about racism in FHA, ASCS, and FES policies epitomized bureaucratic nullification sweeping through USDA offices. Rather than attacking civil rights edicts head-on, bureaucrats agreed to enforce laws, even as they subverted them. When investigations revealed racism, agencies offered duplicitous denials, platitudes, obfuscation, and pledges to do better. County executives enforced staff discipline by threatening anyone who might complain. African Americans throughout the South warned that only determined federal intervention could disrupt such entrenched racism and provide them equal access to loans, acreage allotments, and extension programs. The task was complicated by a determined white elite that dominated county committees and was positioned to take advantage both of USDA programs and of the latest science and technology. This class did not care to share federal funds, power, or even information with African Americans, many of whom had never been told of various USDA programs. William Seabron faced a hostile Washington bureaucracy, obstinate state agricultural leaders, presumptuous land-grant personnel, and determined county committees.

In the spring of 1964 the U.S. Commission on Civil Rights began an investigation of the USDA,

interviewing bureaucrats at the federal, state, and county levels as well as farmers. Because of the wide scope of the investigation, the interviews open a window on USDA racism, on program structures, and on how racism affected the lives of African American farmers. Ten years after the *Brown v. Board of Education* decision and a century after emancipation, whites continued to make crucial decisions without input from blacks. White hands disbursed the millions of dollars that poured through all-white county agricultural committees in the South. The power to decide who received loans, acreage allotments, and advice on better farming methods became more important as the chemical and technological transformation gained momentum. Without credit, for example, farmers could not buy the fertilizer, seeds, and pesticides to start the growing season, and while better-off farmers could deal with banks, small farmers came to rely upon the Farmers Home Administration for production, housing, and economic opportunity loans. By the 1960s, however, the program had been corrupted to serve more solvent farmers.

To develop an understanding of USDA racism, interviewers from the U.S. Commission on Civil Rights spoke with a variety of bureaucrats, county officials, and farmers throughout the South. When commission attorney Marian P. Yankauer interviewed FHA administrator Howard Bertsch on May 15, he glanced at her request for loan data on black farmers and sighed that his overworked office staff could not possibly comply with her request. Bertsch was nervous, "very close to breaking down," and "almost in tears," Yankauer observed. Bertsch defended a FHA initiative appointing African Americans as alternate county committeemen, although alternates had no vote and the plan was clearly tokenism. A week later Yankauer met with two of Bertsch's staffers who became "very defensive, rather antagonistic" when Yankauer announced that she had discovered some southern counties that would accept African Americans as full committeemen. Bertsch had the power to make such appointments, and his reluctance reflected USDA apprehension of southern racism. Despite the FHA's shaky record on civil rights, Bertsch insisted, for the most part accurately, that the agency was far more racially inclusive than most USDA agencies. (13)

Many southern USDA offices continued business as usual after both the 1954 *Brown* decision and the Civil Rights Act of 1964. The legacy of segregation and discrimination endured, in part because the same personnel continued in office. After Alabama state FHA director Robert C. Bamberg testified at a U.S. Commission on Civil Rights hearing in Montgomery in April 1968, commission staff director William L. Taylor warned Secretary Freeman of conflicts of interest and racism. In addition to his state position, Bamberg owned a 4,200-acre plantation in Perry County and employed twenty-five families. Taylor explained that Bamberg "advances seed, fertilizer, insecticides and cash during the planting and growing season for which he charges six percent interest until September 1." The FHA made similar loans at 5 percent interest, Taylor added. Bamberg's statements in the hearing "indicate he believes no serious effort should be made to assist Negro farmers in poverty," Taylor elaborated, and his "personal animosity" toward black aspirations "is based in part on his experience as a landlord over his Negro tenants." Bamberg's testimony, Taylor concluded, "raises a question of whether he can fairly administer FHA programs which, increasingly, are directed toward assisting poor farmers--the largest proportion of whom are Negro in Alabama." (14)

At the county level, African Americans were at the mercy of FHA officials. Greene County, Alabama, FHA supervisor J. D. Pattillo and his office staff personified racist bureaucrats--coarse, insulting, dismissive, and unhelpful. Annoyed at Pattillo's habitual delay in processing their loans, thirty black farmers applied for FHA loans in the summer of 1965 and cataloged their complaints to state FHA director Bamberg. According to the group's secretary, Pattillo had announced that there was no such thing as an economic opportunity loan, but later, after using "coarse language" and chiding blacks that such a loan was "something they heard about in the jungle," he qualified his answer. When poorly educated black applicants asked the staff for help, they were often dismissed, told to come back later, or requested to take the forms home and fill them out. "You will not get the loan until next

year, even if you qualify," a secretary told one applicant. The office staff misinformed blacks that they were ineligible for loans if they owed money. "This becomes an evil tool against Negroes because the system of farming and white domination has always kept the Negro in debt," the group charged. Another complaint suggested that if Pattillo's actions were "due to racial prejudice," he should be dismissed. Being illiterate, not owning radios or television sets, and ignored by white extension and FHA staffs, many black farmers did not know about FHA programs. When asked in a public meeting in Demopolis if black farmers received the same information as white farmers, Pattillo replied "Yes, sir" to a chorus of black voices shouting "No, no." With little access to FHA loans, Greene County black farmers were at a distinct disadvantage in their attempt to farm successfully. (15)

The FHA did hire a few African Americans to work with black farmers. In the mid-1960s the Alabama FHA made Tuskegee graduate George Parris a state program specialist, a name-change that failed to include a promotion or salary increase. Parris spent two days a week in his Montgomery office, segregated from white employees by a bank of file cabinets, and three days traveling across the state to assist black farmers with their FHA applications. Parris scoffed at the alternate county committeemen scheme. He also clearly understood that African American FHA employees moved on a different track from white personnel. The accepted promotion route, he revealed, began with an Auburn University degree, an appointment to the state office, a county assistant supervisor position, experience supervising farm loans, a promotion, and then "the sky is the limit to where he can go." A degree from Tuskegee consigned African Americans to segregated and secondary positions. Both FHA administrators and local white farmers pressured Parris to discourage civil rights activism among farmers, even threatening his job. He understood that he survived at the pleasure of whites and walked a narrow line surrounded by white treachery. From his point of view, only pressure from Washington could force an end to discrimination. (16)

Black FHA employees in southern states worked out of segregated offices, served only African American farmers, were barred from county FHA committee meetings, and were told to avoid civil rights issues. State program staff assistant Joshua A. Lloyd complained that finding respect in the Louisiana FHA hierarchy was difficult. After receiving a B.S. degree in agriculture and industry from Southern University in 1932, Lloyd worked in four USDA agencies before taking a position with the FHA at the GS-7 federal salary grade in 1951. He was not promoted to the GS-9 grade until 1964, and his promotion did not bring increased responsibility. He still served only black farmers from an office at Southern University without a phone or secretary. In northern Louisiana he had "Just not been accepted," and white FHA office workers there kept him waiting and addressed him by his first name. When told about the alternate committee member scheme, he urged administrators to select intelligent leaders. Instead, he complained, they chose one alternate who was "afraid to death" and several others who lacked intelligence. Obviously, they were selected to demonstrate black incompetence. The powerful FHA state program chief, Lloyd revealed, hated blacks and insisted that hiring them "won't work." (17)

Some FHA bureaucrats became as arbitrary, capricious, and insulting to African American farmers as the meanest planters and supply merchants were. In the spring of 1961, Carl Grant, the Marshallville, Georgia, FHA supervisor, urged Fred Amica to take out a \$2,280 operating loan that would come due on November 1; Amica customarily borrowed much less. Amica had a good crop year and paid off part of his tractor loan. Arbitrarily, the dealership repossessed it. Then FHA supervisor Grant insisted on immediate full payment of Amica's loan, refused to negotiate new terms for repayment, seized Amica's hogs, sold his implements at auction, garnished his cotton crop, and spread word among local businessmen that Amica was a poor credit risk. Pressuring Fred Amica to assume more debt and, as the crop lien terminology put it, "cleaning him out," resembled the treatment sharecroppers had often received--except the sharecroppers, unlike Amica, did not own land. Other black farmers were encouraged to take out loans larger than normal with the obvious

intent of driving them into debt and out of farming. In Amica's case, securing a FHA loan led to his ruin. (18)

When one county agency ran into problems with its racist policies, other agencies and even private parties took up the racist slack. Communities were especially adept at deviously undermining federal civil rights activity, as the Reverend Jim Bryant discovered in the summer of 1966. Bryant and a group of Perry County, Alabama, black farmers visited Washington to complain about ASCS racism. When Bryant returned home, the county ASCS and FHA offices welcomed him with full cooperation. Unable to secure a FHA loan for operating funds earlier, Bryant had borrowed from a local bank that then foreclosed on his 110-acre farm when he became delinquent on his \$9,000 balance. That fall he hired a crop duster from the Magnolia Aviation Company to spray for boll weevils eleven times at \$2.00 per acre--with no effect. White farmers who hired the same duster got results with two applications. The ASCS meanwhile introduced undocumented changes in his yield figures and acreage allotments to his disadvantage. "The foreclosure on his farm, the enlargement of cotton acreage (which adversely affects his projected yield), the obvious inequity of the initial projected yield, and his allegation with respect to ineffective poisoning of his cotton," Commission on Civil Rights field agent William A. Tippins suggested, "should be sufficient grounds for a more thorough investigation." Although the USDA Washington office successfully directed county committees to treat Bryant fairly, his visit to Washington brought down the wrath of other county committees and white businessmen who conspired to ruin him. (19)

Although black farmers were starving for operating loans and other credit, the FHA pushed a loan program that would transform rural land to golf courses, shooting ranges, and other attractions to lure tourists. The interests that pushed this development scheme, the civil rights commission's Howard A. Glickstein argued in 1968, "ignore the needs and interests of the least educated, the most disadvantaged, the poorest and most discriminated against populace in the locality." Other FHA loans went to construct buildings used solely by whites. Kenneth L. Dean, executive secretary of the Mississippi Council on Human Relations, advised William Seabron in February 1967 that segregated social and recreational institutions aided by federal funds "will not fade in a season" and would "perpetuate segregation--and thereby hate--for years and generations to come." Seabron advised FHA head Howard Bertsch that he considered Dean's observations "terribly correct." The situation disturbed Seabron "as deeply as any other I can think of." (20)

While the FHA offered credit to farmers, the Agricultural Stabilization and Conservation Service handled acreage allotments and settled disputes. The New Deal's Agricultural Adjustment Administration (AAA) and its successors extended federal agricultural programs into every county, and farmers voted on whether to participate in price-support programs or risk market forces. While African Americans and poor farmers often distrusted county ASCS committees, prosperous farmers, who received the bulk of the federal money, liked them well enough. The method of electing ASCS committees varied over time, but by the 1960s the process called for community committees to meet and elect three members to a county committee that then selected a secretary, often the county agricultural extension agent. The secretary of agriculture appointed from three to five farmers to the state ASCS committee with the state director of extension an ex officio member. Farm organizations, land-grant university deans, extension directors, state commissioners of agriculture, and other state leaders vetted state ASCS appointments, ensuring interlocking directorates. Given the complexity of the committee system and constantly amended USDA programs, the system strayed far from its grassroots intentions and provoked testy challenges. In 1955, for example, there were fourteen thousand review proceedings and six thousand the previous year. Even as acreage cutbacks reduced supply and raised commodity prices, USDA experiment stations and land-grant universities sponsored research to increase yield per acre. This contradictory policy made sense to larger farmers who could manipulate programs to fit their operations. Better educated and landed farmers also

profited from increasingly complex and lucrative government programs and in some cases seized federal money and acreage allotments intended for sharecroppers and tenants. (21)

Lowndes County, Georgia, typified southern ASCS operations. In 1964 Commission on Civil Rights investigators Richard M. Shapiro and Donald S. Safford discovered that farmers there had reelected the ASCS committee chair for twenty years, the vice-chair for a dozen, and the third member for six years. Freling Scarborough had served as county ASCS office manager since 1951 and supervised a staff of four clerks, an African American janitor, and, during the busy season, additional clerks and allotment measurers. The committee assigned reserve and unplanted acreage, thus giving particular farmers increased federal aid, and informally and secretly reviewed appeals and awarded additional acreage. The committee also supervised the waning Soil Bank Program (formally concluded in 1960), the Feed Grain Program, and the Commodity Credit Corporation (a price-support program) and approved loans for constructing farm storage buildings. (22)

In the twilight of Freedom Summer, some civil rights activists turned their attention from voting rights, school integration, public accommodations, and the Democratic National Convention in Atlantic City to centers of local white power. As they talked with farmers about crops and other issues, workers with the Student Non-Violent Coordinating Committee (SNCC) came to understand the importance of ASCS county committees. In the fall of 1964 the Council of Federated Organizations (COFO) and SNCC joined forces and contested ASCS elections in a dozen Mississippi counties. In early November 1964, COFO worker Benjamin Graham learned that white men had intimidated five Panola County African American nominees for ASCS community elections, suggesting that their jobs were in jeopardy and demanding they withdraw. Three dropped out immediately, and two asked for time to think it over. In another county a COFO worker was arrested for assisting black ASCS voters. A SNCC news release on December 5 reported that some sharecroppers did not receive ballots, that plantation owners intimidated black voters at some polling places, and that some planters filled out the ballots of their black workers. Still, fourteen African Americans won election to community committees in six counties. (23)

While the 1964 effort to place African Americans on ASCS committees had been planned hastily, SNCC and its allies months before the 1965 ASCS elections contacted ASCS officials in Mississippi and Alabama, posing questions about "ambiguous" voting requirements. What was the legal definition of "tenant" and "sharecropper," what constituted "insufficient participation," what prevented ballot destruction by county committees, was it possible to change community boundaries and gerrymander districts, could women hold office, and would "Uncle Toms" again be nominated by white committeemen to split the black vote? On July 18 Elmo Holder complained to B. L. Collins, the Alabama ASCS state executive director, that his July 15 letter had been "most unsatisfactory and uninformative." Holder insisted that Collins set election dates so that African Americans could plan their strategy and avoid "reprisals from the white community." Collins's August 10 reply consisted only of four narrow factual points about the voting process. On August 24 Holder and his wife met with Collins to discuss the issues in detail. "Our discussion was dispassionate throughout," Collins reported. (24)

In 1965 SNCC made elaborate preparations for the ASCS elections in some Mississippi, Georgia, and Alabama counties, stressing that ASCS county committees distributed substantial federal funds, assigned acreage allotments, handled Commodity Credit Corporation loans, and managed other initiatives. These programs were not a product of county and state government, the memo emphasized, and "we can hold the Agricultural Department directly responsible for the entire ASCS program and its elections." In Mississippi SNCC distributed a memo outlining the ASCS election process and deadlines. "It means long hours of talking to farmers about running for the ASCS committees in their communities," according to another SNCC memo, "when everybody knows the

tremendous personal risks involved in running." SNCC's initiative to contest ASCS county committees fit well into its larger program of empowering local people. (25)

SNCC workers boldly requested information on ASCS and FHA programs both from county sources and from USDA offices in Washington and turned themselves into unofficial extension workers as they condensed complicated USDA programs and translated them into layman's language, often with graphic aids to help farmers understand committee structures and county organizations. SNCC's "A.S.C.S. Organizers Handbook" clearly explained the community and county election process by using a county map and stick figures for committeemen, outlined committee duties, suggested how African Americans could win seats, clarified voting eligibility, gave examples of ballots, and supplied a timetable (see Illustration 1). (26)

[ILLUSTRATION 1 OMITTED]

On November 9, 1965, Mississippi's ASCS board and its all-black ASCS Civil Rights Advisory Committee met with invited guests from SNCC, CORE, and the National Sharecroppers Fund to discuss elections, employment, and programs for poor farmers. The state board denied SNCC's request for poll watchers, although it ruled that anyone from the public could attend the ballot counting on December 6 and raise questions. Employment opportunities were limited in that office jobs would only open to African Americans when whites retired. Barbara Brandt from SNCC observed that the Civil Rights Advisory Committee was composed of "rich Negroes" who believed in uplift and who nodded affirmatively to white suggestions. SNCC's resources were stretched thin, and Brandt reported in late October that she needed gas money and publicity and that she expected opposition from local USDA officials. (27)

County ASCS committees and office staffs frustrated African Americans by failing to supply information and resorting to racist treatment. According to Fred Anderson, a SNCC field-worker in Baker County, Georgia, the ASCS office failed to publicize the fall 1965 election, and only black landowners, not eligible tenants and sharecroppers, received ballots. SNCC sponsored a write-in campaign for three candidates, but ASCS committeemen placed several African Americans on the ballot in an effort to confuse voters and dilute voting strength. On vote-counting day, September 27, Anderson found the county agent's office deserted at 9:00 A.M., and later the office staff "knew nothing of any vote-counting." SNCC workers helped forty-four black farmers fill out write-in ballots for three candidates, but ASCS vote counters found only twenty votes for the SNCC slate, "all in one way or another invalid." The Georgia ASCS office denied wrongdoing and shamelessly claimed that ballots had been counted at the ASCS office at 9:00 on the morning of September 27. As for the black farmers placed on the ballot without being asked, "these committeemen from their intimate knowledge of farmers in their respective communities determined that the Negro nominees were the type of individuals who were well aware of ASCS programs, the committee system and, if elected, would be willing to serve." As in so many instances of white privilege, the committeemen saw no reason to ask black candidates if they would stand for office. Whites knew "the type of individuals" they wanted to run. William Seabron found the state ASCS report "inadequate," for it failed to address Anderson's questions. He requested an OIG investigation. (28)

The Lowndes County, Alabama, elections in 1965 followed a similar pattern. SNCC leader Stokely Carmichael recalled that he worked with eligible voters and nominated 4 from one community and 5 from several others. When voters received their ASCS ballots, however, there were 36, 17, 68, 29, and 9 African American nominees for the community seats. Some black voters received ballots for the wrong community. While Carmichael had "always been treated courteously" at the ASCS office, he understood that one black farmer who attempted to get a proper ballot "was chased out of the Lowndes ASCS County Office." In Greene County, Alabama, five families were evicted for voting in

ASCS elections, and county ASCS committeemen continued to nominate numerous blacks in order to confuse voters. (29)

An OIG investigation ruled that nominating African Americans without their consent "was contrary to the existing procedures." On May 25, 1966, William Seabron reminded Charles M. Cox, the assistant deputy administrator of state and county operations at the ASCS, that there was racial discrimination in the 1965 Lowndes County ASCS election. "Because of the blatancy of the form of discrimination and the seemingly total lack of good faith on the part of the County Committee, I can see no other recourse than to void the election and schedule new elections as soon as possible." The ASCS had tested Seabron's patience by seizing on a preliminary OIG report, misconstruing it, and circulating information that the election had been proper. "We are sick and tired of the tricks that this racist government--from federal to local--attempts to play on black people," SNCC's Carmichael complained in July 1966. He insisted that the federal government handle the Lowndes County ASCS election that fall, for if left to local authorities it "will be a fraud." In mid-August 1966 Seabron assured Carmichael that federal officials would ensure a fair election. (30)

The Mississippi Freedom Democratic Party (MFDP) invited Congressman Joseph Resnick to visit Mississippi and observe the ASCS elections. He toured Issaquena, Washington, Holmes, and Madison Counties in late November 1965 and talked with farmers, visited the tent city at Tribett where strikers evicted from the Andrews Plantation resided, and found numerous irregularities in the ASCS elections. "Resnick announced that he had found so much discrimination," MFDP workers Unita Blackwell and Annie Devine reported, "that he was going to recommend [sic] that the elections be voided, and that new elections be held under federal supervision, unless ASCS officials did something to correct the irregularities." Despite harassment, African Americans won seventy-five seats on Mississippi ASCS community committees. Marian Yankauer, never one to mince words, suggested in March 1965 that anyone guilty of "trying to interfere with the right of Negroes to run for office can be denied participation in the program in the following year." (31)

While SNCC and its allies attempted to teach African American farmers to exercise their right to vote in ASCS elections, county and state ASCS offices undermined their efforts. African Americans complained of fraudulent elections and requested federal oversight, but Secretary Orville Freeman ignored their entreaties and magnified incremental changes. In 1966, he boasted, ninety-six black farmers were elected to community committees, failing to clarify that none were elected to powerful county committees. "During this same period," he continued, "ASC county committees employed 20 full time and 204 temporary Negro employees." Freeman's claims for these infinitesimal gains suggested far more significance than they warranted. Not only had discrimination continued with little change, but also Freeman had neither exercised his power to appoint blacks to state ASCS committees nor insisted that ASCS state and local committees comply with rules. It was the MFDP, COFO, and SNCC initiative that allowed African Americans to achieve those few seats on community ASCS committees in the mid-1960s and that, ironically, allowed Freeman to magnify civil rights progress. While USDA bureaucrats in Washington ignored complaints and state and county ASCS officials actively opposed, even intimidated, black candidates, a handful of civil rights workers attempted to carry out Freeman's announced policy to deliver equal rights to black farmers. Freeman, like those secretaries who followed him, publicly championed civil rights but stood aside while the USDA bureaucracy nullified his orders. Indeed, Freeman abetted white discrimination. In January 1966 ASCS administrator Horace D. Godfrey advised Freeman that ASCS employees should not be placed under the civil service system because it "would destroy the local control necessary for effective county committee operations." Both men certainly understood that local control would also provide cover for continuing discrimination. (32)

While Freeman failed to appoint blacks to ASCS committees and ensure fair elections, ASCS

administrator Godfrey, in a ploy that resembled Howard Bertsch's use of alternate committeemen, had created all-black advisory committees such as the one in Mississippi to assist state ASCS committees. William L. Taylor, staff director of the Commission on Civil Rights, pointed out that segregated advisory groups failed to carry out requirements for equal participation in federal programs. Regardless of Godfrey's intent, Taylor argued, "separation is continued and equality of participation as well as access to decision-making positions remain restricted." This, he concluded, "perpetuates the evil which the Federal Government has now committed itself to overcome." In mid-September Thomas R. Hughes advised Godfrey that the commission found the separate committees "offensive to the spirit and intent of the Civil Rights Act." Hughes suggested that the committees be integrated and weighted with a majority of black members. (33)

Seabron recalled that when he complained of the plan at a meeting in the secretary's office, ASCS representatives insisted on separate advisory groups, "and the decision was made to follow their advice." The ASCS requested that Seabron suggest people to serve, but by the time he heard from his contacts the ASCS had already selected the committees. Some of those appointed were unsatisfactory to Seabron's contacts. The commission's Marian Yankauer on June 9, 1965, suggested advising Horace Godfrey that "the day of Negro committees is over and that the appointment of such a committee to implement the Civil Rights Act constitutes a violation of the Civil Rights Act in itself." Godfrey meanwhile implemented changes in the ASCS administrative handbook that required community and county committees to "select minority races so that the total of such nominees is in the same proportion as they are to the total farm population (owners, tenants, and sharecroppers) in the county." Although the guidelines were seldom followed, Secretary Freeman awarded Godfrey a special merit award for his attempt to eliminate discrimination in the ASCS. (34)

When African Americans did secure USDA jobs, they often endured constant insults and discrimination. Shirley D. Webb went to work at the Greene County, Alabama, ASCS office in March 1966. A partition separated her from white workers. White ASCS office worker Gene Farley denigrated both Shirley Webb and any black person who visited the office. After a black woman who worked for the Federal Extension Service visited Webb, Farley "sprayed Lysol around Mrs. Webb's desk." White farmers and even members of the county ASCS committee used "nigger" in her hearing and in the presence of James A. Smith, the county executive director. Webb tolerated insults because she wanted to keep her job. Her patience ended in October 1970 when she formally complained to William M. Seabron, and she warned him on January 4, 1971, that "unless someone from Washington or someone not involved here locally with this office handles this matter it will become a white-wash and nothing meaningful will get reported. (35)

When chief of compliance and enforcement Richard J. Peer reached Greene County in May 1971, he learned that Shirley Webb had been fired. "There are no blacks on the ASCS County Committee, the Soil Conservation District Board of Supervisors, or the Board of Directors of the REA Cooperative," he reported. More positively, two of the three FHA county committeemen were black. When Peer re-visited Greene County sixty days later on July 21, 1971, he found black leaders "cordial but cautious" and most whites "cold and hostile." The FHA had hired a black assistant county supervisor and the ASCS a black program assistant. The Extension Service, however, refused to hire a white extension agent because he would work under a black agent. The ASCS director stubbornly refused to attend a meeting to discuss civil rights, claiming that such meetings degenerated into "forums of dissension and abuse by certain minority leaders or would not be attended by the people intended to be reached." The report recommended that Shirley Webb be re-hired at her former grade with back pay and placed in a permanent position when one became vacant and that James A. Smith be transferred to "another location where he will not have responsibility for managing an ASCS County Office." (36)

In May 1967 the Alabama State Advisory Committee of the U.S. Commission on Civil Rights reported that the ASCS had made "some rather significant changes" in the South in the two years since the publication of the commission's report, Equal Opportunity in Farm Programs. Still, as 1966 came to an end, there were no blacks among the 25 professionals in the state ASCS office, and of the 15 clerical positions only 2 were held by blacks. At the county level only 6 of 127 full-time office employees were black, and none of the 22 field employees were. Seasonal employment of blacks increased (34 of 90 office employees and 58 of 298 field employees). The secretary of agriculture had appointed African Americans to state committees in Arkansas, Mississippi, Maryland, Alabama, and Georgia. These slight gains, the committee concluded, had no effect on African American farmers, who "are being forced out of agriculture at an alarming rate." Since 1959 Alabama's black farmers had declined by 28 percent. ASCS committees in the twenty-six counties covered in the report distributed some \$30.5 million to farmers participating in commodity, conservation reserve (Soil Bank), cropland adjustment, and commodity loan programs. The report reviewed ASCS elections that featured 1,403 blacks nominated for county committeemen, with 23 elected as regular members and 89 as alternates. The committee also discovered that the number of black voters eligible for ASCS elections in Lowndes County had declined from 58.8 percent in 1964 to 39.9 percent in 1966. The committee offered no explanation for this drastic change but simply observed that "a Negro majority among eligible voters has been reduced to a minority." Racism in USDA county programs was invasive, and as soon as civil rights groups isolated and erased one set of discriminatory practices, another one appeared. (37)

The USDA Citizens Advisory Committee reviewed USDA policies in mid-July 1968 and focused on continuing racism in state and county offices. "There is no doubt that full minority participation in USDA programs is being blocked or impeded in some areas by segregationists," it reported. Surely every USDA administrator knew that state and county employees were nullifying civil rights laws, but the secretary refused to use his power to enforce the law. The committee recommended a gradualist approach and suggested that when racist administrators retired they be "succeeded by administrators who have social consciences, or who will obey civil rights directives." By allowing the ASCS to ignore civil rights laws without punitive enforcement, Secretary Freeman guaranteed that discrimination would continue. (38)

Both the FHA and the ASCS had straightforward organizational structures, but that of the Federal Extension Service was convoluted, esoteric, territorial, and racist. Extension work originated in the 1890s in efforts to educate farmers, and ultimately it grew into an octopus-like agency with tentacles extending from Washington into the most remote communities. The central office reached into state agriculture departments, white land-grant universities, and localities, where county agents wielded enormous power. The FES budget drew from federal, state, and local sources, and, chameleon-like, the agency varied its affiliation to suit the situation. From the beginning, extension programs were tailored to educated and prosperous white farmers. Founded in the separate-but-equal era and labeled "1892 Schools," sixteen African American land-grant colleges hosted the Negro Extension Service, but they received little financial support. The black schools and extension workers carved out zones of autonomy but were beholden to white funding and priorities. White schools stubbornly refused to share information and purposely kept black agents outside the information loop. (39)

The Federal Extension Service became a formidable segregated fortress and fiercely fought civil rights laws. Intractable and devious, it smiled agreeably while feigning integration and demeaning black workers. In October 1965 administrator Lloyd H. Davis claimed that the FES was in the forefront of civil rights compliance. William M. Seabron pointedly reminded him of "dissatisfaction among Negro State Extension employees" and "open complaints of discrimination." After 1964, African American extension agents existed in a second-class twilight zone. In the mid-1960s the Georgia Commission on Civil Rights advisory committee discovered that white administrators at the University

of Georgia assigned black agents to work with low-income farmers but provided no guidelines. L. W. Eberhardt Jr., Georgia's director of extension, failed to convince the committee that this program did not continue discrimination and segregation. In all cases Federal Extension Service personnel in black land-grant schools were forced to merge into white institutions. Despite the Civil Rights Act of 1964 that prescribed the integration of black and white administrative structures, no African American had been given primary responsibility and a "commensurate title." Black men and women in many cases had longer service and higher degrees than whites yet earned less. White associate county agents, for example, earned \$1,130 more than blacks. In an egregious attempt to limit black opportunities, Georgia's Eberhardt ruled that an assistant agent needed to enroll in a graduate program at either the University of Georgia or a comparable land-grant college. Attending Fort Valley State College, Georgia's African American land-grant school, would not count. Even black extension workers with higher degrees in agriculture from such schools as the University of Minnesota, Iowa State University, and Michigan State University were unqualified for county agent positions, Eberhardt decided, "because of the lack of agricultural technology and lack of training in agricultural technology." The state committee interpreted Eberhardt's educational requirements as a transparent plan to demote and demean black extension workers. (40)

Despite the FES's assurances of integration, many black agents continued to work out of separate and unequal offices. They also lacked secretarial help, were still called by first names, and received scant information to distribute to black farmers. Most 4-H clubs and camps remained segregated, and in 1965 no blacks were among the 249 Georgia youth who received awards. Black 4-H agents did not learn of crucial meetings, announcements, and projects. Georgia's extension magazine, Cloverleaf, was sent only to whites and had carried only one article on black members over six years. Home economics clubs had also resisted integration, and the number of black clubs dwindled. (41)

Former Brooks County extension agent J. B. Stevens, who served from 1930 to 1943 and from 1951 to 1961, never recalled being notified of ASCS elections or being asked to attend ASCS or other agricultural policy meetings. He spent his time on benign 4-H projects to the neglect of black farmers. His small staff was given an inferior office, few demonstration materials, no truck, and feeble local business support and was forbidden to attend national conventions. Stevens received two paychecks, one from the state and another from the county, complicating his position with regard to civil rights enforcement. Isolated from planning meetings and from committees that carried out agricultural policy, black agents like Stevens were consigned to 4-H and home demonstration projects that reflected white prejudice that blacks did not need information or instruction in cutting-edge subjects. (42)

Despite their control over programs and information, white extension administrators were apprehensive of the changing attitudes among African Americans. At a meeting at Fort Valley State College in March 1964, African American extension agents discovered that white agents had misinformed them when declaring that participating in civil rights activities was a violation of the Hatch Act. White Georgia Extension Service officials expressed "immediate hostility and defensiveness" when blacks challenged discrimination. Dewitt Harrell spoke for the Georgia Extension Service and cited "voluminous statistics, all very much beside the point," while USDA officials droned on with uninformative and "in part insulting" speeches. After the session ended, Richard Shapiro of the Commission on Civil Rights overheard Harrell boast to a federal official, "We have more niggers in our service than any other federal agency." Georgia extension leaders' misleading, irrelevant, defensive, and insulting words and actions suggested that they held African Americans in contempt. A year after this meeting the Federal Extension Service shamelessly invented numbers that purported to show that agents had contacted 312,000 non-white farm residents, although there were but 200,000 left in the South. (43)

In its 1966 report the Georgia State Advisory Committee of the Commission on Civil Rights stressed that whites still controlled USDA programs, and it skeptically observed that administrators at the University of Georgia could "make policies and say overnight that there are no discriminations." Despite such hollow assurances, the report explained, no action had been taken "to remedy the effects of segregation which have scarred the lives of countless thousands of our Negro citizens." African Americans, the report continued, "receive substantially less than is constitutionally guaranteed them as Americans." From their early school years, black children were denied services and opportunities and later denied participation in programs and jobs. "To the day they retire or die," the advisory committee stressed, "Negro farmers in Georgia experience second-class citizenship unknown to whites." Black farmers were addressed as "boy" or "girl" and treated by USDA agencies "with noxious difference." Black farmers throughout the state "feel they are being phased out as farmers in Georgia." (44)

In July 1967 Ruth W. Harvey, chair of the NAACP's education committee in Laurens County and the city of Dublin, suggested that since the passage of the 1964 Civil Rights Act whites had increased discrimination and cleverly discovered ways to nullify each new piece of legislation. Harvey wrote of the "death knell" and "those awful death blows which are being dealt to Negro workers by their white counterparts." For years, she recalled, extension in Georgia had been a "Guiding Light" to rural people, but it was "fastly fading into folklore and folksong." Since 1964 whites had consolidated power and "have all but expelled the Negro agents [sic] freedom to lead and adequately serve people in their Counties and/or State." Protests had not changed the situation, and she suggested in her letter to Freeman that a court suit might soon be initiated. (45)

African American extension agents were discriminated against not only by white county administrators but also by the white National Association of County Agricultural Agents (NACAA), which refused to share membership and power with blacks. Writing from Edenton, North Carolina, in July 1966, extension worker Fletcher L. Lassiter complained to William Payne of the Commission on Civil Rights that blacks had been forced to abandon their segregated county agent organization as a remnant of segregation. In 1964 and 1965 the NACAA had invited black agents to its convention as guests, not members, and they had refused to attend. Since the NACAA influenced policy that affected black extension workers, Lassiter argued that blacks should be able to participate on equal terms with whites. It made sense to Lassiter that the leaders in his segregated organization should be leaders in the integrated one. In July 1966 the commission's Walter B. Lewis expressed dissatisfaction that the FES had claimed it had no jurisdiction over NACAA's membership and had refused to confront white agents on the issue. Lewis learned that at its August 1966 meeting the North Carolina NACAA branch did not even consider Lassiter's request for membership and again sent "a lily-white delegation" to the NACAA convention. It would be ideal if the state NACAA organization could work out its problems, Lassiter informed William Seabron in September 1966, but "I am sure that you will agree that almost nowhere has this approach worked." Lassiter called on the federal government to end segregation and stressed that he was weary of hearing sympathy not backed by action. "I am asking for an equal opportunity to contribute to the ultimate objectives of the program rather than to be given what someone else decides that I should be satisfied with." (46)

Lassiter's dilemma epitomized how civil rights laws worked to the disadvantage of blacks, but it was just one example of the sweeping discrimination embodied in the Federal Extension Service. White 4-H members participated in a wide variety of activities such as tours, conventions, and stock-raising contests while African American youngsters worked on a narrower spectrum of projects. White county agents sometimes assisted projects sponsored by the Cattlemen's Association and the Farm Bureau. African Americans could not belong to the Cattlemen's Association, and they rarely attended presentations by specialists in field crops, dairying, and livestock. One white agent generously offered, "we don't run them off if they come." Blacks could attend but not exhibit at the West Alabama

Fair. In Eutaw, Alabama, Frank Jackson served as Negro county agent and reported that Auburn specialists held a cotton meeting for blacks in April 1964 (the white meeting was in January), but since planting was done in late March many black farmers concluded that "the specialists just didn't give a 'damn' about the Negro farmers." White cattlemen could take their bulls to Auburn for fertility testing; blacks could not. Nor did blacks share equally in the cotton acreage turned in each year and redistributed by the ASCS committee. While black agents were reluctant to state outright that civil rights activities would work against a farmer seeking a FHA loan, they understood that their own participation in civil rights would at least be frowned upon and at worst cost them their jobs. Extension work, then, was divided into two hostile camps, one white, well financed, and housed adequately and the other black, financially starved, and demeaned. (47)

As civil rights issues played out in the Federal Extension Service, black farmers faced challenges from acreage cuts, mechanical cotton harvesters, herbicides, and, paradoxically, the minimum wage extended to agricultural work. As the situation in Mississippi worsened in the winter of 1966, civil rights leader Aaron Henry, who served on the respected USDA Citizens Advisory Committee, warned President Lyndon B. Johnson that African Americans faced massive unemployment primarily because of the 35 percent reduction in cotton allotments. "Here by a combination of Agriculture Legislation, Automation, and Racial Prejudice," Henry warned, "Negro farmers by the hundreds are being told that there will be no work for them on the plantations this year." Henry suggested the president make surplus federal and state property available without charge, distribute surplus foods, and create jobs through the seasonal and migrant workers program. "I do not have to remind you," Henry continued, "that to take these steps will require courage and determination that in many instances will upset the local political power structure." Neither President Johnson nor Secretary Freeman successfully challenged the entrenched racists in the USDA county offices. They continued to violate civil rights laws with impunity. (48)

Reacting to the dire predictions of unemployment, William Seabron decided to visit Mississippi and investigate conditions. In February 1966 he met with Aaron Henry in Clarksdale and attended a meeting of displaced agricultural workers. "Generally speaking their stories were of despair, frustration, and uncertainty as to their future and their children's," Seabron reported. Landlords told sharecroppers there would be no crop for them, although some permitted people to stay in their shacks. "One reported that his boss in Quitman County had pushed all of the shanties on the plantation in one heap and set them on fire," Seabron heard. Tenants who owned tractors or other machinery were especially hard-hit and would probably lose their underutilized capital. While Seabron saw racism in their dire conditions, USDA planners saw the working out of the agribusiness blueprint. Eliminating small farmers, judged hopelessly backward and doomed, and African American farmers, potentially troubling and even threatening, fit perfectly into the agrigovernment agenda. (49)

Despite discrimination and technological change, some African American farm owners found strategies of survival. In the spring of 1964, Commission on Civil Rights interviewers Safford and Shapiro spoke with several relatively prosperous black farmers near Valdosta, Georgia. George Miller, James Register, and Andrew Blakeney grew cotton and tobacco, while World War II veteran Joseph Wiley Register had a cattle operation. None of the four signed up for ASCS subsidy programs, asked for help from extension agents, or borrowed from the FHA. Of the four, only James Register voted in ASCS elections. His one appeal for increasing his 2.24-acre tobacco allotment was unsuccessful. His wife had belonged to a home demonstration club, but, she complained, "the members have rusted out." Twenty-four-year-old Jerry Register was their only child who farmed. One of his brothers moved to Ohio and another to Philadelphia and were doing "quite well." Shapiro and Safford were impressed with Andrew Blakeney's "clean and well-kept" brick home. His wife's Georgia State College School of Education diploma hung prominently on the wall. Their three children had gone to college in Michigan. Blakeney owned 47 acres, and he rented more land from his mother's

estate, had small cotton and tobacco allotments, and had participated in the Soil Bank Program. Blakeney scorned the Federal Extension Service and instead some half dozen times a year attended educational programs at the Valdosta armory, where blacks composed about a quarter of the hundred or so farmers in the segregated audience. (50)

These four farmers had carved out an independent and prosperous niche in the segregated South by using their ingenuity and skill, not federal programs. They avoided FHA credit, made only informal requests of ASCS committeemen, and relied primarily upon their own husbandry rather than advice from extension agents. Only Joseph Wiley Register was relatively young, and most children in these families had left the rural South. Farming was changing rapidly, and federal programs, shunned by these farmers, offered important subsidies. The world was going to pass them by unless they took advantage of USDA programs the same as white farmers, but that would mean enduring USDA racism. It was a wicked system that punished sagacity, industriousness, and competence.

While these prosperous black farmers survived with little call on federal personnel or programs, African American extension and home demonstration agents and USDA county office workers endured indignities, unequal pay, and demeaning titles. The FES resisted equal employment rules and entered a drawn-out process to delay implementation. In January 1966 William Seabron complained that the FES had dragged its feet on reports and sabotaged a proposed agreement. On July 29, 1966, all USDA agencies involved with civil rights enforcement and FES representatives signed excruciatingly negotiated equal opportunity employment regulations. Even as this scenario played out in Washington, Federal Extension Service head Lloyd H. Davis circulated the proposals to state extension leaders, who insisted on forty changes that would weaken if not cripple enforcement. William Seabron pondered the question of whether the federal, state, or county governments were responsible for enforcing FES civil rights issues. African American extension agents insisted that they were federal employees because they were part of the federal civil service retirement system, held civil service appointments, had franking privileges, and in many counties used offices in federal office buildings. If states maintained control over civil rights in the FES, Seabron feared, "the Department and the Secretary will be subjected, in my opinion, to the worst civil rights publicity accorded any Federal Department to date." Freeman's dilemma, according to Seabron, came down to offending either powerful land-grant university presidents or African Americans who suffered from discrimination in many southern counties. (51)

Over a year later Seabron judged that a September FES equal opportunity draft contained so many problems that it "should be abandoned." Only a ruling from an impartial Justice Department, he reasoned, could settle the matter and end the bickering about who was and was not covered by equal employment regulations. "The drafted proposal requires the employee to seek as his judge, in the first instance, the very person whom he accuses of racial discrimination," Seabron complained. When the situation had not improved by December 1967, he warned the secretary and top USDA staff, "I can only conclude that the management of the Federal Extension Service is unable or unwilling to compel the necessary changes." FES intransigence outraged the Justice Department, the Office of Economic Opportunity, the U.S. Commission on Civil Rights, and the Civil Service Commission. Lawsuits were "imminent" in Texas, Georgia, Virginia, and North Carolina. "No one," Seabron concluded, "can defend the Department against the wave of honest criticism which is about to hit." In March 1968 William Seabron again urged Secretary Freeman to issue equal employment guidelines for the Federal Extension Service. (52)

As poor as the USDA record in civil rights appeared in early 1968, civil rights supporters feared that a Republican administration elected in part with a "southern strategy" could reverse even the modest gains of the mid-1960s. As the national election approached, Seabron became more adamant. In September 1968 he impatiently scolded FES administrator Lloyd H. Davis. "Lloyd, it is imperative that

you either act to terminate discrimination and segregation immediately or, alternatively, prepare and present to the U.S. Commission on Civil Rights that material which will convincingly demonstrate that discrimination and segregation do not exist in the Extension Service. To fail to do either is to be unfair to the Secretary who seeks the successful discharge of his responsibilities." Davis ignored Seabron, for he knew that Freeman would not force the issue. (53)

As Seabron suspected, Davis seized on the change in administrations to challenge compliance with civil rights regulations. Hoping to return employment decisions to state and county officials, Davis suggested that President Richard M. Nixon's incoming secretary of agriculture, Clifford M. Hardin, review supportive statements by Jamie Whitten and Spessard Holland, read a congressional conference report, and request the attorney general to prepare a fresh opinion on Federal Extension Service equal employment requirements. Davis was especially interested in preserving the power of county offices to control their own hiring. "The issues raised in this letter should be resolved before State EEO plans are signed by you," he advised the secretary. "These plans," Joseph M. Robertson and Ned D. Bayley wrote to Secretary Hardin on February 5, 1969, "contain limited provisions for 'affirmative action' for equal opportunity as compared to programs developed for regular Federal employees." Robertson and Bayley opposed aggressive guidelines and gasped at enforcement provisions that called for "withholding funds or taking other action." Civil rights groups might criticize the weakening of equal employment provisions, and, they admitted, "Bill Seabron ... strongly disagrees with our position." Whatever power William Seabron had under Secretary Freeman dissolved, and the opportunity to enforce civil rights in the USDA was lost. (54)

The Hardin administration at the USDA provoked a flurry of protest regarding the Federal Extension Service, the ASCS, and the FHA. In 1969 there were only 2 African Americans among the 4,100 ASCS committee members who disbursed \$3.5 billion to farmers, and community committee representation fell from 418 to 380 among the 30,000 elected. "Until the U.S. Department of Agriculture moves forcefully to end patterns enforced by decades of dominance by Southern white supremacists," the Southern Regional Council charged in November 1969, "black Southern farmers will be denied equal protection under the law." (55)

Secretary Clifford Hardin sanitized civil rights initiatives at the USDA. His citizens civil rights advisory committee was carefully vetted to include a diverse group of men and women who expressed no interest in civil rights. Bureaucrats invented machinery that mishandled or mangled complaints. Black and white employees in civil rights and equal opportunity offices turned on each other, complaining of discrimination and reverse discrimination. A cursory examination of Nixon's USDA might suggest that civil rights initiatives continued, but underneath the veneer African Americans found themselves more marginalized than ever. A series of court cases chipped away at discrimination in the FES but failed to end it. Over the next thirty years the number of black farmers dwindled away. It was no accident. In addition to bias in federal programs, black farmers lost land not only to tax sales, partition sale, and foreclosure but also to fraud. (56)

In one of the most egregious examples of racism, in November 1973 Nixon's secretary of agriculture, Earl Butz, secretly helped seven states avoid having their funds cut off for Title VI violations. "The blatant violations of civil rights laws have the continuing complicity of the USDA secretary and other high-level USDA officials," the Commission on Civil Rights found. After Butz's intervention, the Extension Service continued to pay lower salaries to African Americans, permitted segregated offices and social activities, and excluded blacks from leadership positions. Under President Ronald Reagan's secretary of agriculture, John R. Block, the USDA idled its civil rights office and no longer even investigated complaints by black farmers. The House Agriculture Committee faulted the USDA for not awarding loans to minority farmers and added language to a report that requested the USDA to "improve drastically and immediately its enforcement of civil rights laws and its attitudes toward

them." Congressional hearings were no more successful than the court cases in eliminating USDA racism. (57)

Despite promising rhetoric and implied enforcement, conditions only got worse for African American farmers. Between 1981 and 1984 the percentage of FHA loans going to whites increased from 87 to 91 percent. In Florida there was no ASCS county office headed by an African American, and the state office employed a solitary black mailroom worker at the GS-4 level. The Arkansas ASCS employed only twelve blacks full-time. Southern offices resisted hiring black supervisors in part because they would supervise white women. "It's a good-old-boy buddy system," one black county director judged in September 1987. In November 1987 a coalition of legal groups brought a class-action suit against the FHA, charging that its policies had "speeded the exodus of blacks, women, Indians and the elderly from farming in North Carolina." The participation of black farmers in the FHA loan program "fell from 5.4 percent in 1980 to 1.5 percent in 1986, while Indian participation dropped from 4.1 percent to one percent during the same period." (58)

In January 1999 the USDA agreed to settle the Pigford case but not to admit that it had discriminated against black farmers. In the settlement some black farmers would take a tax-free payment of \$50,000 and have their debts to the USDA forgiven, while those with larger claims and documentation could negotiate for higher settlements. At a hearing before Judge Paul L. Friedman, Timothy Pigford, the North Carolinian whose name identified the class-action suit, was skeptical that the USDA had changed. "All of us here agree that there are systemic problems and that they're pervasive," lawyer Stephon J. Bowens charged. One group of black farmers wanted to move along with the settlement while others complained that the cash settlement was too small and that the department was still racist. The courtroom was filled, and Judge Friedman allowed those attending to pronounce the occasional amen and to applaud. Even Friedman could not change the power of local committees, he admitted. His opening words, "forty acres and a mule," were especially fitting in this context, for they resonated across a landscape of broken promises. (59)

(1) Pigford v. Glickman, 185 F.R.D. 82 (D.D.C. 1999), at 85. On property owning see Loren Schweningen, *Black Property Owners in the South, 1790-1915* (Urbana, 1990), 143-237; and Schweningen, "A Vanishing Breed: Black Farm Owners in the South, 1651-1982," *Agricultural History*, 63 (Summer 1989), 41-60.

(2) Pigford v. Glickman, at 85-86.

(3) Pete Daniel, "The Legal Basis of Agrarian Capitalism: The South since 1933," in Melvyn Stokes and Rick Halpern, eds., *Race and Class in the American South Since 1890* (Oxford, Eng., 1994), 86-102.

(4) *Ibid.*

(5) *Ibid.*; Robert Earl Martin, "Negro-White Participation in the A.A.A. Cotton and Tobacco Referenda in North and South Carolina: A Study in Differential Voting and Attitudes in Selected Areas" (Ph.D. dissertation, University of Chicago, 1947), 242-43, 259-60, 263, 267; Jeannie M. Wayne, "Black Farmers and the Agricultural Cooperative Extension Service: The Alabama Experience, 1945-1965," *Agricultural History*, 72 (Summer 1998), 523-51.

(6) Secretary's Memorandum no. 1572, "Title VI, Civil Rights Act--Compliance," Box 4255, Civil Rights, General Correspondence, 1906-1975, Records of the Office of the Secretary of Agriculture, Record Group 16 (hereinafter cited as RG 16), National Archives and Records Administration, College Park, Md.

(7) "Racial Bias in Workings of U.S. Farm Aid Is Criticized by Federal Civil Rights Unit," Wall Street Journal, March 1, 1965 (a copy of this article is in Box 4255, Civil Rights, RG 16); "Calls U.S. Unfair to Negroes," Chicago Tribune, March 1, 1965, p. 5; U.S. Commission on Civil Rights, Equal Opportunity in Farm Programs: An Appraisal of Services Rendered by Agencies of the United States Department of Agriculture (Washington, D.C., 1965).

(8) "Department of Agriculture," organizational chart, Box 4454, Civil Rights, RG 16; "William M. Seabron Dies; Ex-Agriculture Official," Washington Post, December 31, 1980, B8; "Agriculture Acts on Race Inequity," Washington Post, June 1, 1965, A4.

(9) U.S. Commission on Civil Rights, "The Mechanism for Implementing and Enforcing Title VI of the Civil Rights Act of 1964," July 1968, copy in Box 4947, Civil Rights, RG 16. See also Gilbert Ware to Walter B. Lewis, January 13, 1967, Box 36, Records of the Office of the Staff Director (hereinafter cited as Staff Director), Records Relating to Special Projects, 1960-1970 (hereinafter cited as Special Projects), Records of the United States Commission on Civil Rights, Record Group 453 (hereinafter cited as RG 453), National Archives and Records Administration, College Park.

(10) J. Francis Pohlhaus to Orville L. Freeman, February 8, 1965, Box 4255, Civil Rights, RG 16; Joseph M. Robertson to Pohlhaus, n.d., *ibid.*

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